

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-731V

Filed: April 16, 2024

C.F.,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Master Horner

*Robert Krakow, Law Office of Robert J. Krakow, P.C., New York, NY, for petitioner.
Zoe Wade, U.S. Department of Justice, Washington, DC, for respondent.*

DECISION ON ATTORNEYS' FEES AND COSTS¹

On July 15, 2015, petitioner filed a petition for compensation alleging that she suffered postural orthostatic tachycardia syndrome ("POTS") caused by receipt of the human papillomavirus vaccine ("Gardasil") administered on July 19, 2012. (ECF No. 1.) The case was dismissed on January 20, 2023, and judgment entered on February 23, 2023. (ECF Nos. 131, 135.) On June 24, 2023, petitioner filed a motion for final attorneys' fees and costs in the amount of \$39,340.80. (ECF No. 67.) (The bulk of attorneys' fees and costs were previously awarded following an application for interim attorneys' fees and costs. (ECF No. 129.)) In response, respondent agrees the statutory requirements for an award of attorneys' fees and costs has been met, but otherwise defers to the special master's discretion regarding the amount of the award. (ECF No. 141.) Petitioner filed a brief reply reiterating her reliance on the material submitted with her motion. (ECF No. 142.)

¹ Because this document contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the document will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

The undersigned has reviewed the billing records submitted with petitioner's request. In the undersigned's experience, the request appears reasonable, and the undersigned finds no cause to reduce the requested hours or rates.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). Based on the reasonableness of petitioner's request, the undersigned **GRANTS** petitioner's motion for attorneys' fees and costs.

Accordingly, the undersigned awards the total of \$39,340.80² as a lump sum in the form of a check jointly payable to petitioner and petitioner's counsel Robert Krakow, Esq.

The clerk of the court shall enter judgment in accordance herewith.³

IT IS SO ORDERED.

s/Daniel T. Horner

Daniel T. Horner
Special Master

² This amount is intended to cover all legal expenses incurred in this matter. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, § 300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. See *generally Beck ex rel. Beck v. Sec'y of Health & Human Servs.*, 924 F.2d 1029 (Fed. Cir.1991).

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.